

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TRANS-SPEC TRUCK SERVICE, INC.)
d/b/a TRUCK SERVICE,)
Plaintiff)
vs.)
CATERPILLAR INC.)
Defendant)

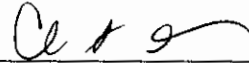
CIVIL ACTION NO. 04-11836-RCL

TRANS-SPEC TRUCK SERVICE, INC.'S NOTICE OF APPEAL

Trans-Spec Truck Service, Inc. ("Trans-Spec") hereby appeals to the United States Court of Appeals for the First Circuit: (1) the Magistrate Judge's January 31, 2006 Report and Recommendations granting Caterpillar, Inc.'s ("Caterpillar") *Motion to Dismiss the Second Amended Complaint Pursuant to Def. R. Civ. P. 12(b)(6)*; (2) the Court's February 23, 2006 Order rejecting Trans-Spec's Objection and adopting the Magistrate Judge's January 31, 2006 Report and Recommendations; (3) the Magistrate Judge's Memorandum and Order dated June 9, 2006 denying Trans-Spec's *Motion to Amend Complaint And To Alter Or Amend This Court's Order Dated February 23, 2006 And Local Rule 7.1 Certificate And Request For Oral Argument*; (4) the Magistrate Judge's December 1, 2006 Report and Recommendations granting Caterpillar's *Motion for Summary Judgment on All Remaining Claims*; (5) the Court's January 2, 2007 Order rejecting Trans-Spec's Objection and affirming the Magistrate Judge's June 9, 2006 Order; (6) the Court's February 13, 2007 Order rejecting Trans-Spec's Objection and adopting the Magistrate Judge's December 1, 2006 Report and Recommendations; and, (7) the Court's entry of Judgment on all counts in favor of Caterpillar against Trans-Spec. Pursuant to Fed. R. App. P. 4(a)(1), the time in which Trans-Spec may appeal began to run when the Court entered Judgment on all counts on February 14, 2007. Trans-Spec encloses with this Notice of Appeal

the appropriate docket fee for transmission to the clerk of the United States Court of Appeals for the First Circuit, in accordance with Fed. R. App. P. 3(e).

Respectfully submitted,
TRANS-SPEC TRUCK SERVICE, INC.
d/b/a TRUCK SERVICE
By its Attorneys,



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Date: March 5, 2007

CERTIFICATE OF SERVICE

I, Christian G. Samito, hereby certify that on this 5th day of March, 2007, I furnished the district court clerk by hand delivery with the docket fee as well as enough copies of this Notice to comply with Fed. R. App. P. 3(d).

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